

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

**SUSIE BRAWHAW, BY AND THROUGH
MAGNOLIA HAYS, NEXT FRIEND, FOR
THE USE AND BENEFIT OF SUSIE BRAWHAW,**

PLAINTIFF,

VS.

CIVIL ACTION NO. 2:06CV194-P-B

MARINER HEALTH CARE, INC., ET AL.,

DEFENDANT.

ORDER

This matter comes before the court upon Defendants' Emergency Motion to Quash Trial Subpoena Issued to Roy Dumas by Plaintiff [158]. After due consideration of the motion and the response filed thereto, the court finds as follows, to-wit:

The motion should be denied under the following conditions. First, the plaintiff must tender to the witness a check for his mileage, which she says she will do. Second, in the event that the witness provides proof that the fee for his previously-scheduled event in New Orleans is non-refundable, the plaintiff must pay that fee in addition to any prepayments for travel and/or hotel accommodations.

The court also suggests that in the event the parties agree, the plaintiff could take a video deposition of Mr. Dumas between now and the beginning of trial on Thursday, July 31, 2008.

IT IS THEREFORE ORDERED AND ADJUDGED that Defendants' Emergency Motion to Quash Trial Subpoena Issued to Roy Dumas by Plaintiff [158] is **DENIED** on the conditions discussed above.

SO ORDERED this the 25th day of July, A.D., 2008.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE